

AMENDED IN SENATE JUNE 25, 2012
AMENDED IN ASSEMBLY MAY 11, 2011
AMENDED IN ASSEMBLY MAY 4, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 259

Introduced by Assembly Member Smyth

February 7, 2011

An act to ~~amend~~ *add* Section ~~27701~~ of 27701.5 to the Government Code, relating to a county ~~public defender~~ *government*.

LEGISLATIVE COUNSEL'S DIGEST

AB 259, as amended, Smyth. County public defender.

Existing law authorizes the board of supervisors of a county to establish the office of public defender for the county. Under existing law, a person is not eligible to the office of public defender unless he has been a practicing attorney in the courts of the state for at least the year preceding the date of his election or appointment.

This bill would provide that, ~~in addition to existing law~~, a person is eligible ~~to for the office of public defender~~ *Los Angeles County Public Defender* if he or she is a sitting or retired judge, and as a judge meets specified qualifications, or if he or she was a judicial commissioner, magistrate, or referee, or elected public official, and meets specified qualifications.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Los Angeles.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 27701 of the Government Code is~~
2 ~~amended to read:~~

3 *SECTION 1. Section 27701.5 is added to the Government Code,*
4 *to read:*

5 ~~27701.~~

6 27701.5. A person is eligible ~~to for the office of public defender~~
7 *Los Angeles County Public Defender* if the person meets one of
8 the following criteria:

9 (a) He or she has been a practicing attorney in all of the courts
10 of the state for at least the year preceding the date of his or her
11 election or appointment.

12 (b) He or she was a sitting or retired judge, and both of the
13 following apply:

14 (1) He or she was a practicing attorney in all of the courts of
15 the state for at least the year preceding the date of his or her
16 election or appointment to the judicial office.

17 (2) On or before the date of his or her election or appointment
18 to the office of public defender, he or she resigns his or her judicial
19 office, the current term of his or her office has expired, and he or
20 she is an active member of the State Bar.

21 (c) He or she was a judicial commissioner, magistrate, or referee
22 authorized to perform the duties of a subordinate judicial officer,
23 and both of the following apply:

24 (1) He or she was a practicing attorney in all of the courts of
25 the state for at least one year preceding the date of his or her
26 election or appointment to judicial office.

27 (2) On or before the date of his or her election or appointment
28 to the office of public defender, he or she resigns his or her judicial
29 office and is an active member of the State Bar.

30 (d) He or she was an elected public official, and both of the
31 following apply:

32 (1) He or she was a practicing attorney in all of the courts of
33 the state for at least one year preceding the date of his or her
34 election to public office.

35 (2) On or before the date of his or her election or appointment
36 to the office of public defender, he or she resigns his or her elected
37 public office and he or she is an active member of the State Bar.

1 *SEC. 2. The Legislature finds and declares that a special law*
2 *is necessary and that a general law cannot be made applicable*
3 *within the meaning of Section 16 of Article IV of the California*
4 *Constitution because of the unique size, scope, and complexity of*
5 *the issues that the Los Angeles County Public Defender must*
6 *handle, it is imperative that the Board of Supervisors have the*
7 *most expansive, yet highly qualified, applicant pool from which*
8 *to choose.*

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